

REMARKS

This responds to the Examiner Interview Summary mailed December 5, 2012.

A portion of the Examiner Interview Summary is reproduced below.

In order to place the Reissue application 09/903457 in condition for allowance following is required:

(1) Reissue declaration filed 9/28/12 does not satisfy Rule 37 CFR 1.175(a).

37 CFR 1.175(a) states that the reissue oath/declaration must state that "All errors being corrected in the reissue application up to the time of filing of the oath or declaration under this paragraph arose without any deceptive intention on the part of the applicant" (emphasis added).

The declaration only states that "the error" recited in the declaration arose without any deceptive intention. Although only one error is recited in the declaration, multiple errors have been corrected via reissue, e.g., each time an amendatory change is submitted, an error to the patent is being corrected. Accordingly, all claims need to be rejected under 35 USC 251, based on a defective declaration.

(2) Also, there are multiple reissue applications filed for the reissue of patent 5819034. However, the required cross-referencing statement has not been provided as an amendment to the specification. There is a cross-referencing coded SPEC.NE dated 4/29/2002. However, it was not entered as the amendment filed 4/29/02 was considered non-compliant, as evidenced by the CTMS dated 4/29/2002. (PTO-90C indicates it was mailed 7/23/2002). Accordingly, the specification needs to be amended to include the proper cross-referencing.. See MPEP 1451 for suggested language.

Specification

Specification is amended to include cross-referencing statement with respect to multiple reissue applications filed for reissue of U.S. patent no. 5,819,034.

Declaration

A newly executed Declaration in compliance with 37 C.F.R. § 1.67(a) accompanies this response. The newly executed Declaration refers to "all errors," as requested by the Examiner.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone the undersigned at (408) 278-4052 to facilitate prosecution of this application.

If necessary, please charge any additional fees or deficiencies, or credit any overpayments to Deposit Account No.19-0743.

Respectfully submitted,

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